IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3476 OF 2006.

M.P.Shetty and others. ... Applicants.
Versus.
R.P.Gupta and another. ... Respondents.

Shri A.P.Mundargi i/by M/s.Manilal Kher Ambalal & Co.for the Applicants.
Shri U.V.Nikam, A.P.P. for the Respondent-State.

CORAM : ABHAY S.OKA, J.
DATED : 27th September, 2006.

P.C.:

1. Heard Shri Mundargi,learned Senior Counsel appearing for the Applicant. The Applicants by filing this application under section 482 of the Code of Criminal Procedure, 1973 have taken exception to the order passed by the learned Magistrate on 20th July 2005 by which process has been issued by the learned Magistrate on a private complaint filed by the 1st Respondent. In view of the decision of the learned single Judge of this Court in the case of V.K.Jain and others v/s. Pratap Padode and another reported in 2005(3) Mah.L.J. page 778, which has been confirmed by the Apex Court, the remedy of filing a revision application under section 397 of the said Code is available to the Applicants. In view of the aforesaid decision, this Application is not entertained and the same is rejected by leaving open the remedy of the Applicants to file revision application before the appropriate Sessions Court. All questions on merits are expressly kept open.

Judge.